

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
N/S Holly Grove Road, 45' W of
the c/l of Carrollwood Road
(3730 Holly Grove Road)
15th Election District
5th Councilmanic District
Lloyd Lee Jenkins, et ux
Petitioners
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-312-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 9 feet in lieu of the minimum required 25 feet for a proposed 16' x 26' garage addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 20-1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of April, 1991 that the Petition for Residential Variance to permit a side yard setback of 9 feet in lieu of the minimum required 25 feet for a proposed 16' x 26' garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the proposed garage addition to be converted to a second dwelling unit and/or apartments. The subject dwelling shall contain only one kitchen.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

JKH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

April 2, 1991

887-3353

Mr. & Mrs. Lloyd L. Jenkins
3730 Holly Grove Road
Baltimore, Maryland 21220

RE: PETITION FOR RESIDENTIAL VARIANCE
N/S Holly Grove Road, 45' W of the c/l of Carrollwood Road
(3730 Holly Grove Road)
15th Election District - 5th Councilmanic District
Lloyd L. Jenkins, et ux - Petitioners
Case No. 91-312-A

Dear Mr. & Mrs. Jenkins:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-312-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 3730 Holly

Grove Road, Baltimore, Maryland 21220
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1) Hardship: Difficulty of Property can be accessed in.

2) Remove five large trees.

3) Rearrangement and remove earth with out equipment.

4) Repipe and relandscape for rain water run offs and drainages.

5) Cost would be greatly increased.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Lloyd Lee Jenkins
AFFIANT (Handwritten Signature)

Lloyd Lee Jenkins
AFFIANT (Printed Name)

Yvonne Annise Jenkins
AFFIANT (Handwritten Signature)

Yvonne Annise Jenkins
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of January, 1991, before me, a

Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lloyd Lee Jenkins and Yvonne Annise Jenkins
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Jan 5, 1991

DATE

NOTARY PUBLIC

My Commission Expires:

JOHAN L. FREEMAN
Notary Public State of Maryland
My Commission Expires Sept. 1, 1992

Zoning Description

As recorded in plat book W.J.R. No. 27 folio 70. Being known and designated as lot No. 9, Block D, as shown on plat of section 1, Carroll Wood. The improvements thereon being known as 3730 Holly Grove Road, and located in the #15 election district.

Meters and bounds; N.76 13' 46"W 56'12"

R = 25'00" L = 38'14"

R = 583.14" L = 67'55"

S. 67 07' 59" E. 89'17"

N. 13' 46" E. 105'12" to the place of

the beginning.

Beginning at a point on the north side of Holly Grove road, which is sixty feet wide, and go fourty five feet east would be the center line for Carroll Wood road, which is ninety feet wide. Would be the two roads that 3730 Holly Grove road border on.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 2/21/91
Posted for: 60 days
Petitioner: Lloyd L. Jenkins, et ux
Location of property: N/S Holly Grove Rd, 45' W of Carrollwood Rd
3730 Holly Grove Rd
Location of Sign: 3730 Holly Grove Rd, across W of Holly Grove Rd
Remarks: On property of P.H. Jones
Posted by: M. Haines Date of return: 3/1/91
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-4150
Number

Date

2/15/91

PUBLIC HEARING FEE \$100.00

010 - ZONING VARIANCE FEE \$100.00

080 - POSTING SIGNS / ADVERTISING \$50.00

TOTAL: \$250.00

LAST NAME OF OWNER: JENKINS

Please Make Checks Payable To: Baltimore County
210127A02-15-91

\$60.00

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-312-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1802.3.B (211.3) To allow a side yard setback on a corner

lot of nine feet in lieu of the required twenty five feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

- 1) Property can not be accessed to from any direction.
- 2) Remove five large trees.
- 3) Rearrangement, and remove earth with out equipment.
- 4) Repipe and relandscape, for rain water drainages and run offs.
- 5) Cost would be greatly increased.

Explanations and pictures are attached to back.
Property is to be advertised and/or posted as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 15 day of Feb., 1991, that the subject matter of this petition be posted on the property on or before the 21 day of Feb., 1991.

J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,
IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the ____ day of ____, 19__, at ____ o'clock, ____.

ORDER RECEIVED FOR FILING

Date 4/2/91

By JRH

ZONING COMMISSIONER OF BALTIMORE COUNTY

321

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 20, 1991

Lloyd and Yvonne Jenkins
3730 Holly Grove Road
Baltimore, Maryland 21220

Re: CASE NUMBER: 91-312-A

LOCATION: N/S Holly Grove Road, 45' W of c/l Carroll Wood Road

3730 Holly Grove Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before February 27, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is March 14, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 13, 1991

Mr. & Mrs. Lloyd Jenkins
3730 Holley Grove Road
Baltimore, MD 21220

RE: Item No. 321, Case No. 91-312-A
Petitioner: Lloyd Lee Jenkins, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Jenkins:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
4th day of February, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Lloyd Lee Jenkins, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: March 6, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Russell V. Pettiford, Item No. 301
Timothy D. Brown, Item No. 311
Robert P. Miller, Item No. 318
Lloyd Lee Jordan, Item No. 321
Clyde P. Jackson, Item No. 322

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

NCVARIED/ZAC1

received
3/12/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: March 8, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 26, 1991

The Bureau of Traffic Engineering has no comments on items number 297, 301, 311, 318, 321, and 322.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

received
3/12/91

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MARCH 13, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: LLOYD LEE JENKINS

Location: #3730 HOLLY GROVE ROAD

Item No.: 321 Zoning Agency: FEBRUARY 26, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl Joseph Kelly* 3-12-91 Noted and Approved
Fire Prevention Bureau
Special Inspection Division

JK/kfk

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: February 22, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 26, 1991

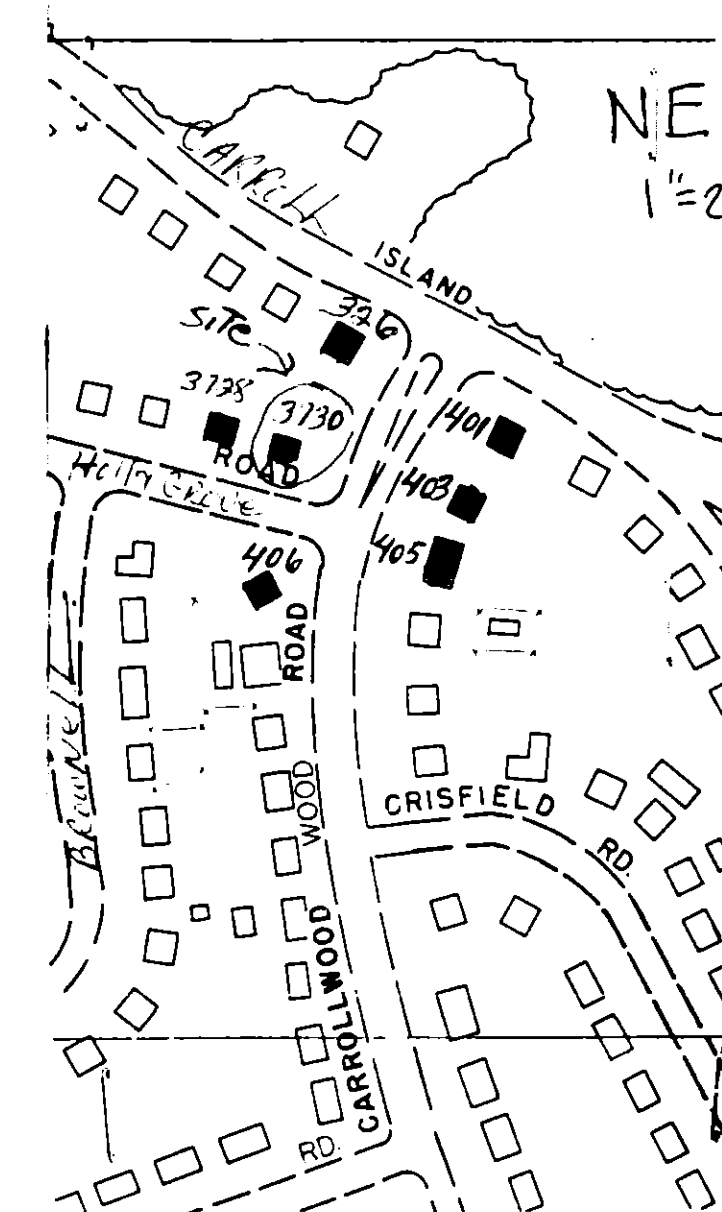
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 297, 301, 311, 318, 321, and 322.

For Item 319 the previous County Review Group Comments are still applicable.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

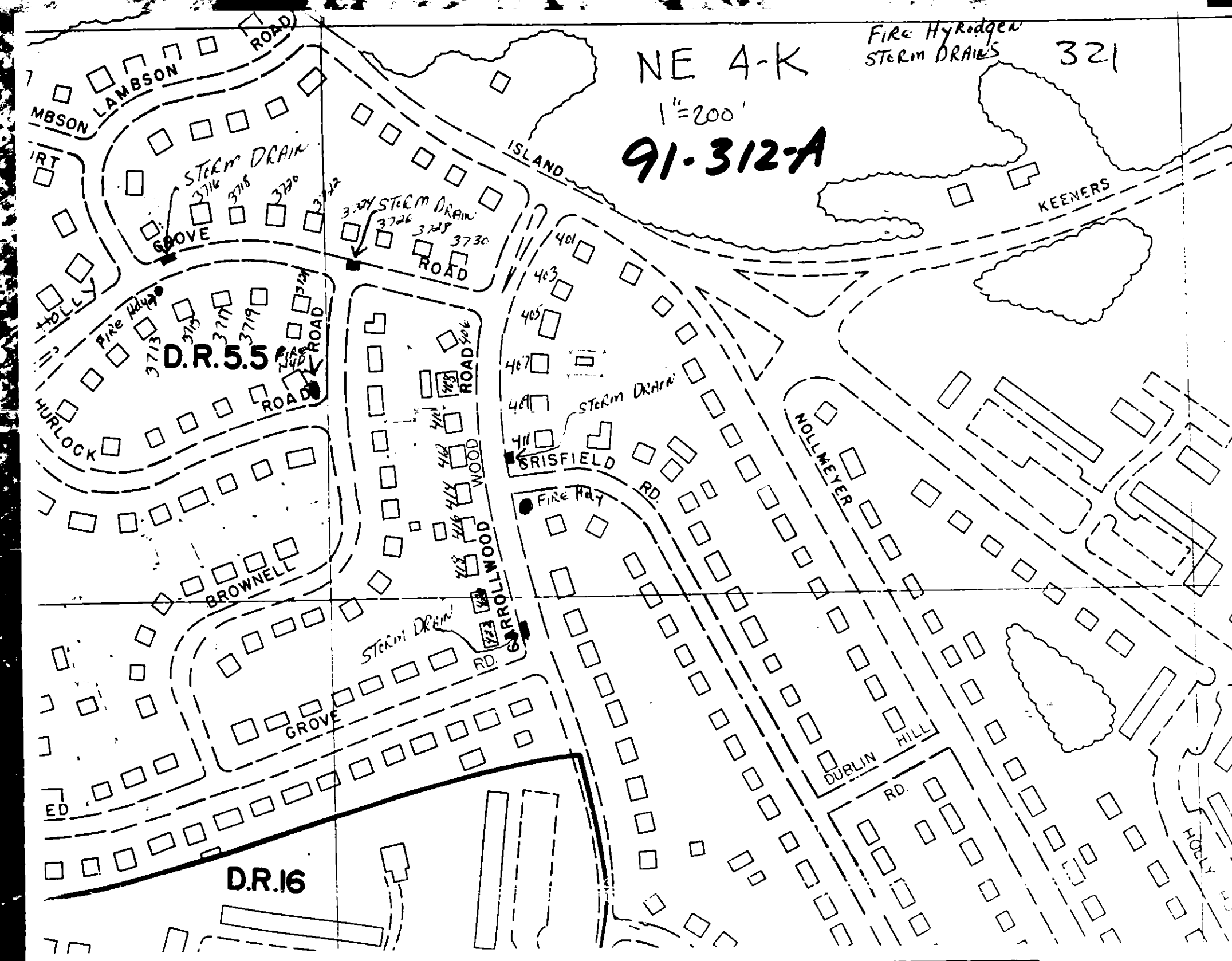
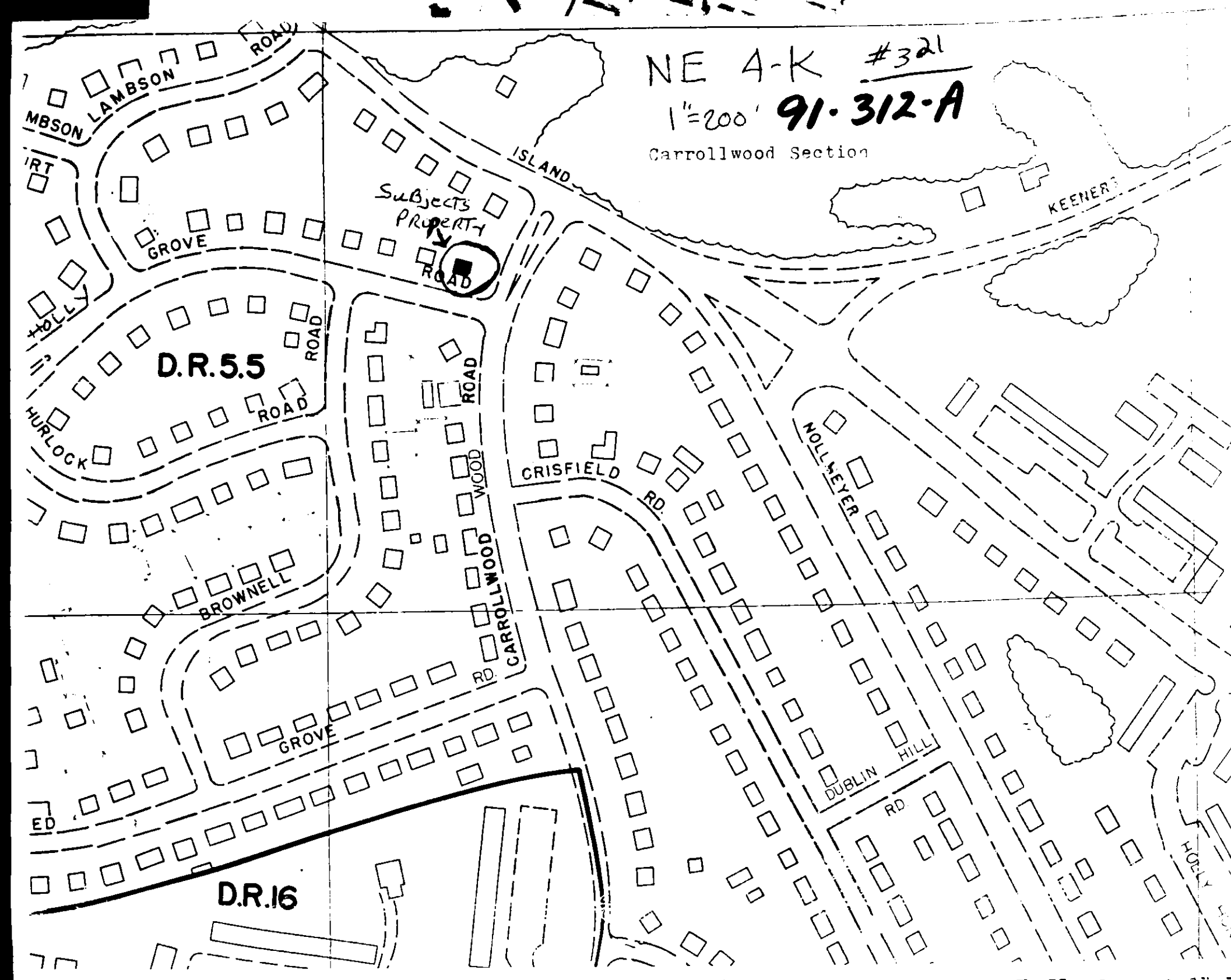
The houses numbered, and colored in, either border me, or face me, have all signed a letter saying they have no objections of a garage to be built, attached to the house of 3730 Hollygrove road.



91-312-A

received
3/12/91

91-312-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP 91-312-A 321

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'	BENGIES	NE
DATE OF PHOTOGRAPHY	BOWLEYS	4-K
JANUARY 1986	QUARTERS	